

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,      )  
                                      )  
Plaintiff,                        )  
                                      )  
vs.                                )      Case No. 4:10CR445 CDP  
                                      )  
KENTON BURTON,                 )  
                                      )  
Defendant.                        )

**ORDER**

This case is set for trial on October 11, 2011. This order sets a schedule for the remaining pretrial matters in the case. The order also adopts the first Report and Recommendation (to which neither party objected) and denies the initial motion to dismiss as moot. The second Report and Recommendation and the second Motion to Dismiss remain pending, as the deadline for objecting is not until October 4, 2011. Accordingly,

**IT IS HEREBY ORDERED** that:

1.      The Court will hold a final pretrial hearing on **Wednesday, October 5, 2011 at 12:00 noon.**
2.      No later than **Friday, September 30, 2011** the parties must file any motions in limine, including, but not limited to, motions to exclude evidence the government seeks to introduce under Rule 404(b), Fed. R. Evid. and motions to

exclude or limit expert testimony. By that same date the government must file its proposed jury instructions. Because counsel will be expected to argue any motions at the final hearing, written responses to the motions are not necessary; if counsel wish to file any written responses, they must do so no later than **Monday,**  
**October 3, 2011.**

3. If defendant files any objections to the recently-issued Report and Recommendation of the Magistrate Judge (objections are due no later than **October 4, 2011**), I will expect to hear argument on those objections at the hearing.

**IT IS FURTHER ORDERED** that the Court adopts and sustains the first Report and Recommendations [# 45] of the Magistrate Judge, and defendant's initial motion to dismiss [# 35] is denied as moot.



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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of September, 2011.